

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 14, 2004

DIVISION ONE

B170270 People v. Kerns (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B170884 Children and Family Services v. Kimberly W.
B168403 Children and Family Services v. Zena C.
B168080 People v. Thomas
B166329 People v. Moore
B169421 Children and Family Services v. Nancy V.
B169874 Children and Family Services v. Mary M.
B166165 People v. Cho
B164206 People v. Vasquez
B163177 People v. Guevara
B165330 People v. Lopez
B167078 People v. Sanchez
B156997 People v. Aguilera
B163704 People v. Peralta

April 14, 2004 (Continued)

DIVISION THREE (Continued)

Each of the following (continued):

B167497 People v. Wilson
B167949 Children and Family Services v. James B.
B173217 Maria R. v. S.C.L.A.

Argument waived, cause submitted.

B165147 Begl Construction Co., Inc.
v.
City of Los Angeles

Merits:

Argued by Melody B. Bormaster, deputy city attorney for appellant and by Kenneth S. Grossbart for respondent. Cause submitted.

B166472 Wardak v. Halimi, et al.

Merits:

Argued by Michael J. O'Brien for appellant and by Scott B. Campbell for respondents. Cause submitted.

B161066 Department of Transportation
v.
Heritage Engineering Construction, Inc.

Merits:

Argued by James D. Clark for appellant and by John C. Goodman for respondent. Cause submitted.

B165004 Rosner
v.
Valleycrest Productions Ltd., et al.

Merits:

Argued by Rene Tovar for appellant and by William C. Price for respondents. Cause submitted.

April 14, 2004 (Continued)

DIVISION THREE (Continued)

Court recessed at 11:57 a.m.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B167302 People
 v.
 Bolden

Merits:

Argued by Jeffrey A. Needleman for appellant and by Jeffrey B. Kahan, deputy attorney general for respondent. Cause submitted.

B161069 Klajic, et al.
 v.
 Castaic Lake Water Agency, et al.

Merits:

Argued by William Hancock for appellants and by Jennifer Kilpatrick for respondents. Cause submitted.

B159003 Zernik
 v.
 University of Southern California, et al.

Merits:

Argued by E. Lynette Lemaire for appellant and by J. Al Latham, Jr. for respondents. Cause submitted.

Court adjourned at 2:57 p.m.

DIVISION FOUR

B163489 People v. Ponce
 (Not for Publication)

The conviction on count 7 is reversed and the convictions on the remaining counts are affirmed. The matter is remanded for resentencing consistent with the views expressed in this opinion: the sentences on counts 2 and 3 should be stayed, the enhancement under section 12022, subdivision (a) on count 3 should be reduced from one year to four months (stayed), and the one-year enhancement under section 12022, subdivision (a) on count 5 should be stricken.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B162608 People (Not for Publication)
v.
Ranger Insurance Company

The orders are affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B164649 People (Certified for Publication)
v.
Chacon

The order of dismissal is reversed. The trial court is directed to enter a new order granting the People's motion to exclude character evidence relevant to the defense of entrapment by estoppel and to refuse jury instructions based on that defense.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

April 14, 2004 (Continued)

DIVISION FOUR (Continued)

B158265 Stanton (Not for Publication)
v.
Fleischman

The award of attorney's fees is reversed. In all other respects, the judgment is affirmed. Each side to bear its own costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B165077 Boykin v. Boykin (Not for Publication)

The order in response to the order to show cause is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B166154 People (Not for Publication)
v.
Richards

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

April 14, 2004 (Continued)

DIVISION FOUR (Continued)

B161009 People
 v.
 Yanez

Filed order denying petition for rehearing.

DIVISION FIVE

B163362 Brenda Kaupp (Not for Publication)
 v.
 FBC Industries, Inc. et al

The judgment is affirmed. The parties shall bear their own costs on appeal.

Mosk, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B166405 Chorpash v. State Fram Fire & Casualty Co.

Argument continued to May, 2004.

B161654 Bianco
 v.
 Bianco

Merits:
Argued by Timothy E. Metzinger for appellant and by Vincent Bianco,
respondent, appearing in propria persona. Cause submitted.

DIVISION SIX (Continued)

B172443 Frank R.
 v.
 Santa Barbara Superior Court
 (Child Protective Services, r.p.i.)

Extraordinary:
Presented by Terry Finkbine Arnold for petitioner and by Toni Lorien,
Deputy County Counsel, for real party in interest. Cause submitted.

B166559 Oberman
 v.
 Pleasant Valley School Dist.

Merits:
Argued by F. James Feffer for appellant and by Carol A. Woo for
respondents. Cause submitted.

B164613 Coln
 v.
 Bush

Merits:
Argued by Michael A. Colton for appellants and by Herb Fox for
respondent. Cause submitted.

Perren, J. left the bench.

B162291 Peoples
 v.
 Kofler

Merits:
Argued by Thomas A. Nitti for appellant and by John H. Parke for
respondents. Cause submitted.

April 14, 2004 (Continued)

DIVISION SIX (Continued)

B166595 Gherini
 v.
 Gherini Gallant

Merits:

Argued by Ralph Eugene McCarthy for appellant, by David W. Tredway for respondents Gherini Gallant et al., by Brenda L. McCormick for respondents Carlton et al., and by Richard W. Tentler for respondents Rosenmund et al. Cause submitted.

Court recessed at 11:50 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B168151 San Luis Obispo Co. Dept. of Social Services v. Arnulfo A.

Argument waived, cause submitted.

B171114 Kelly Temporary Services v. Workers' Compensation Appeals Board

Argument continued to May, 2004.

B167021 Human Services Agency
 v.
 Amy C.

Merits:

Argued by Ilene F. Michens, Assistant County Counsel, for respondent. Argument previously waived by appellant. Cause submitted.

DIVISION SIX (Continued)

B169389 Voss
 v.
 Office of Administrative Hearings (Dept. of Motor Vehicles)

Merits:
Argued by Andrew Wolf for appellant and argument waived by respondents pursuant to Rule 17(a)(2), Calif. Rules of Court. Cause submitted.

B168458 Citizens for Goleta Valley
 v.
 HT Santa Barbara

Merits:
Argued by Marcus S. Bird for appellants and by Marc Chytilo for respondents. Cause submitted.

B170525 Humkar
 v.
 Petillo

Merits:
Argued by David J. Hart for appellants and by Sidney Lanier for respondents. Cause submitted.

Coffee, J. left the bench.

B166699 Larrecq
 v.
 Farmers Ins. Exchange

Merits:
Argued by Sharon J. Arkin for appellants, by Michael J. Brady for respondents Farmers Insurance Exchange et al. and by Robert A. Olson for respondent Truck Underwriters Assoc. et al. Argument previously waived by appellants Sandwick et al. Cause submitted.

April 14, 2004 (Continued)

DIVISION SIX (Continued)

Court adjourned at 2:45 P.M.

B170922 Department of Alcoholic Beverage Control
v.
Alcoholic Beverage Control Appeals Board of the State of California
(7-Eleven, Inc., et al., r.p.i.)

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN

[illegible]

The judgment of the superior court is affirmed in part and reversed in part, and remanded for a new trial on the issue of damages only. The parties are to bear their own costs on appeal.

Zelon, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B158168 Schneider (Not for Publication)
v.
Friedman

Filed order reversing judgment and remanding pursuant to stipulation.

DIVISION EIGHT

B165581 People (Not for Publication)
v.
Gooden

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B165612 Azarian (Not for Publication)
v.
Liberty Investments, et al.

The order vacating the award is reversed and the case is remanded with directions to determine whether the arbitration award was issued and signed by Judge Schneider. In the event the trial court determines that the award was issued signed by Judge Schneider, the court is directed to enter an order confirming the award. If the court determines that the award was not issued and signed by Judge Schneider, the court is directed to refer the matter to Judge Schneider for his determination as the arbitrator and for the issuance of the award. Appellants are to recover their costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B168561 Kinsey (Not for Publication)
v.
Sevilla, et al.

The orders granting the motion to strike and for attorney's fees are reversed and the case is remanded for further proceedings consistent with this opinion. Appellant is to recover her costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.